

40 KAR 2:075. Commonwealth of Kentucky Zero Call List.

RELATES TO: KRS 367.150, 367.170, 367.46951(14), 367.46955(15), 367.46971, 367.46973, 367.46981

STATUTORY AUTHORITY: KRS 15.180, 367.46983

NECESSITY, FUNCTION, AND CONFORMITY: KRS 367.46983 authorizes the Attorney General to promulgate administrative regulations required to enforce KRS 367.46951 to 367.46999 governing the sales of goods and services to Kentucky consumers by use of telephone solicitations. KRS 367.46955(15) establishes the right of consumers to be placed on the "Commonwealth of Kentucky Zero Call List". This administrative regulation establishes requirements relating to the "Commonwealth of Kentucky Zero Call List".

Section 1. Placement on the "Commonwealth of Kentucky Zero Call List". In accordance with KRS 367.46955(15)(a), a person who wishes to be placed on the "Commonwealth of Kentucky Zero Call List" shall enroll on the Zero Call List by:

- (1) Notifying the division either orally or in writing that the person wishes to be placed on the Zero Call List and providing the person's residential telephone number;
- (2) Calling an automated telephone dial-in registration number established by the division and providing the person's residential telephone number; or
- (3) Accessing the division's Web site at www.kycall0.com and entering the person's residential telephone number.

Section 2. Publication. (1) Quarterly publication schedule. The Zero Call List shall be published according to the following schedule:

- (a) The first quarter shall be effective January 15-April 14, and it shall be published on December 15;
- (b) The second quarter shall be effective April 15-July 14, and it shall be published on March 15;
- (c) The third quarter shall be effective July 15-October 14, and it shall be published on June 15; and
- (d) The fourth quarter shall be effective October 15-January 14, and it shall be published on September 15.

(2) The Zero Call List shall be:

- (a) Available in accordance with Section 4 of this administrative regulation;
- (b) Published on the Internet at Web site address www.kycall0.com; and
- (c) Available in electronic and hard copy. A request for an electronic or hard copy of the Zero Call List shall require a minimum of five (5) business days' notice to the division.

Section 3. Deadline for Telephone Numbers' Inclusion in Next Quarterly Publication of Zero Call List. The telephone numbers of properly completed requests for registration on the Zero Call List shall become part of the Zero Call List in the calendar quarter following the deadline for receipt of registration requests according to the following schedule:

Receipt line	Dead- line	Calendar Quarter
	November 15th	January 15 - April 14
	February 15th	April 15 - July 14
	May 15th	July 15 - October 14

August 15th	October 15 - January 14
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Section 4. Application for "Commonwealth of Kentucky Zero Call List". (1) A telemarketing company or merchant subject to the provisions of KRS 367.46951 to 367.46999 shall apply for a copy of the "Commonwealth of Kentucky Zero Call List" on an "Application for Telemarketing 'Zero Call' List".

(2) A telemarketing company or merchant shall provide the following information:

- (a) The quarter or year for which a list is requested;
- (b) Whether the request is for Internet access to the list, electronic copy or hard copy;
- (c) The name and title of the person requesting the information; and
- (d) The name, telephone number, and complete address of the merchant or telemarketing company.

(3) Before a telemarketing company or merchant may obtain a copy of the Zero Call List, it shall sign a written confidentiality agreement prepared by the Office of the Attorney General that:

- (a) Prohibits disclosure of information contained on the Zero Call List;
- (b) Restricts use of the Zero Call List exclusively for the purpose of compliance with KRS 367.46951-367.46999; and
- (c) Prohibits the transfer of the copy of the Zero Call List to any person or entity who has not completed and signed a written "Application for Telemarketing "Zero Call" List", form TS-8, and filed it with the division.

(4) Each "Application for Telemarketing "Zero Call" List shall expire on June 14 of each year. Each telemarketing company and merchant conducting telephone solicitations to Kentucky residential telephone numbers shall be required to complete a new "Application for Telemarketing "Zero Call" List which shall include an update of the information requested on the form, if applicable. The division shall issue a new user name and password each year for each applicant.

Section 5. Incorporation by Reference. (1) "Application for Telemarketing 'Zero Call' List", Form Ts-8, November, 2002, is incorporated by reference.

(2) This material may be inspected, copied, or obtained, subject to applicable copyright law, at the Office of the Attorney General, 1024 Capital Center Drive, Frankfort Kentucky 40601, Monday through Friday, 8 a.m. to 4:30 p.m. (25 Ky.R. 1263; 1582; eff. 1-19-1999; 29 Ky.R. 489; 1284; 1518; eff. 12-18-2002.)